




TOWN OF ELSMERE
APPEAL TO THE BOARD OF ADJUSTMENT

Any person directly affected by a decision of the Code Enforcement Official or a notice or order issued under this Code shall have the right to appeal to the Board of Adjustment of the Town of Elsmere, provided that a written application for appeal is based on a claim that the true intent of this code or the rules legally adopted there under has been incorrectly interpreted or the provisions of this code do not fully apply. Additionally, an application for appeal may be based on a claim that an action other than what is required by the Code: 1) provides the same or better protections than what the Code requires and 2) will not cost the Town of Elsmere any more money than enforcing the code as written. If the appellant proves that an action other than what is required by the code meets these two requirements, the Board of Adjustment may, in its discretion, either enforce the Code as written or permit the proposed alternative action.

Date this Appeal was filed: 9/10/12	Petition Number: 12-31
Date of the Original Action: 8/25/12	Tax Parcel Number: 19-00400-369
Subject Property Address: 1100 Kirkwood Hwy, Wilmington, DE	
Property Owner's Name: Ramidl Associates LLC	Phone Number: 302-377-5233
Property Owners Address: 51 Lynam lookout dr, Newark, DE 19702	
Applicant's Name: Lakshmikanth Ramidl	
Applicant's Address: 51 Lynam lookout dr, Newark, DE 19702	
Specific Item Being Appealed: (ex: Citation Number, Petition Number, Order Number, Etc.)	
Citation# : V3-00115	
Reason for the Appeal: The person who was helping me with the grass cutting did not cut it. I was not aware of it. I took care of it as soon as I came to know about it. I understand it is my responsibility to take care of it, I was just counting on the person who have been using till date. This being the first time I kindly request you to consider my request cancelling the citation and waive the penalty.	
Relief sought: This being the first time I kindly request you to consider my request cancelling the citation and waive the penalty. I am trying my best to catch up with the economic hit I am going thru without any tenants.	
Applicant's Signature: _____  Date: 9/10/12	



THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT
*******CITATION*******

11 Poplar Avenue - Elsmere, DE 19805 Phone: 302-998-2215 Fax: 302-998-9970

RESPONSIBLE PARTY RAMIDI ASSOCIATES LLC 51 LYNAM LOOKOUT DR NEWARK, DE 19702	CITATION #	V3-00115
	OFFICER	DANIEL REED
	VIOLATION DATE	08/25/12
	PROPERTY ADDRESS	1100 KIRKWOOD HY
	ABATEMENT DATE	08/30/12

On the above date, the Code Enforcement Department performed an inspection of the above referenced property. During this inspection, a violation of the Town of Elsmere Code was discovered. The nature of this civil citation is described below

Specific Violation	Code Section	Due No Later Than	Amount Due
HIGH GRASS/WEEDS AT REAR PARKING AREA ALONG FENCE.	PM302-4 HIGH GRASS/WEEDS	9/24/12	\$ 50.00

*******CITATION INFORMATION*******

In order to process your payment, please write the property address in violation in the memo section of the check or money order, and then mail it with the voucher below.

You may also pay your fee in person at Town Hall, 11 Poplar Ave., Elsmere, DE 19805.

ABATEMENT COST

If the violation noted above is not corrected by 4:00 pm. on the "ABATEMENT DATE" listed above, the Town will take action to abate the violation. If this becomes necessary in addition to the fine already assessed you will owe to the Town the costs of the abatement.

Should you have any questions please contact the Code Enforcement Department at (302) 998-2215.

The "Amount Due" associated with this violation is a civil penalty and is due by no later than the "Due No Later Than". Additionally if the violation is not abated by the "Abatement Date" shown above, the Town will take action to correct the violation. If this becomes necessary you will be responsible for the payment of all abatement costs incurred by the Town. Failure to pay the "Amount Due" and any abatement costs assessed shall give rise to a lien on the property pursuant to Title 25, Chapter 29, of the Delaware Code. You must pay the amount due by the date shown below, even if the violation has been corrected.

Please return this section with your payment.

DUE NO LATER THAN	PARCEL NUMBER	CITATION NUMBER	AMOUNT DUE
9/24/12	19-00400-369	V3-00115	\$ 50.00

Mail Your Payment To:

**The Town of Elsmere
Finance Department
11 Poplar Avenue
Elsmere, DE 19805**

- Each 24-hour period that the condition giving rise to this citation continues is subject to a separate citation and an additional civil penalty.
- You have the right to appeal this violation by submitting a written application to the Town of Elsmere's Board of Adjustment within twenty (20) days of the date of this violation. **MEANS OF APPEAL ARE SHOWN ON THE BACK OF THIS FORM.**

EXHIBIT

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12-31A

Sep. 10. 2012 2:32PM

TOWN OF ELSMERE

11 POPLAR AVE

ELSMERE, DE 19805

ATTN: CRAIG HANNA

TEL: (302)998-2215

FAX: (302)998-9920

EXT: 104

EXHIBIT

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12-31 B

No. 0283 P. 2

INVOICE NO.

I3-00287

INVOICE DATE: 08/25/12

DUE DATE: 09/24/12

CUSTOMER #: C-000089

RAMIDI ASSOCIATES LLC

51 LYNAM LOOKOUT DR

NEWARK, DE 19702

VIOLATION INFORMATION

VIOLATION ID: V3-00115

LOCATION: 1100 KIRKWOOD HY

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	CODE-CIT	CODE CITATION 1100 KIRKWOOD HWY IPMC 2000 302.4 HIGH GRASS/WEEDS	50.0000	50.00
			TOTAL INVOICE	50.00
<div><p>NOTICE</p><p>Prior to paying this amount due you have the right to appeal this citation. You have a right to appeal the citation if within 20 days of the "Violation Date" you file a written application for such appeal with the Town of Elsmere's Board of Adjustment. The means of appeal are detailed on the back of the citation you received and may be obtained by contacting the Town of Elsmere Code Enforcement Officer at (302) 998-2215.</p></div>				

TOWN OF ELSMERE
11 POPLAR AVE
ELSMERE, DE 19805

RAMIDI ASSOCIATES LLC
51 LYNAM LOOKOUT DR
NEWARK, DE 19702

Invoice Id: I3-00287

Customer Id: C-000089

Due Date: 09/24/12

Total Due: 50.00





EXHIBIT
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12-31C





BOARD OF ADJUSTMENTS
RULES OF PROCEDURES
NUMBER 1

Rules Of Procedures For Appeal Hearings

Approved By: **The Board Of Adjustments**

Approved Date: **The January 29, 2008 Board Meeting**

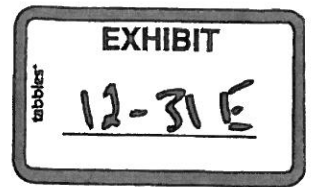
PURPOSE:

To establish a clearly defined set of Rules and Procedures that will be followed when an Appeal Hearing is to be heard before the Board of Adjustments.

MAILED
10/9/12

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BOARD OF ADJUSTMENTS
RULES OF PROCEDURES
NUMBER 1



Rules Of Procedures For Appeal Hearings

I. Nature of Proceeding

Rule 1. Scope and purpose of Rules.

These Rules shall govern the procedure for Appeals Hearings before the Board of Adjustments of the Town of Elsmere.

Rule 2. Guidelines for Conduct During Hearing

The Board of Adjustments has the authority to establish any and all guidelines for conducting the hearing, including establishing time constraints, maintaining order during the hearing, and limiting the number of witnesses to testify.

II. Evidence and Witnesses

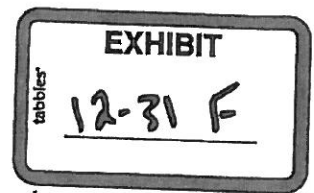
Rule 3. Presentation of Evidence at Hearing

Except as limited by Rules 4-7, any party to an appeal may present both testimonial and documentary evidence.

Rule 4. Exchange of Evidence Copies of all exhibits, except exhibits intended solely for impeachment, must be served on any other party or parties at least five days prior to the hearing. If a party fails to serve the exhibits within five days prior to the appeal, the Board of Adjustments may, at its discretion, refuse to accept that evidence unless good cause is shown as to why the exhibits were not served on the other parties.

Rule 5. Witness Lists

At least five days prior to the hearing, each party must identify in writing the witnesses it intends to call at the hearing. If a party fails to identify its witnesses within five days prior to the appeal, the Board of Adjustments may, at its discretion, refuse to hear testimony from those witnesses unless good cause is shown as to why the exhibits were not served on the other parties.



Rule 6. Oath or Affirmation

Unless waived by all parties, witnesses' testimony is to be under oath or affirmation.

Rule 7. Rules of Evidence

Generally, the Delaware Rules of Evidence shall be used as a guide to the admissibility of evidence at the hearing. However, the Board of Adjustments may accept any evidence it deems to be reliable.

III. Hearing

Rule 8. Transcript of Hearing

A party at its expense may, on ten days prior written notice to the Board of Adjustment and any other parties, have a transcript made of the hearing.

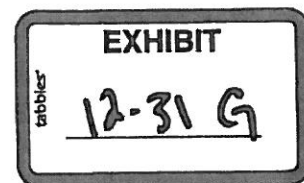
Rule 9. Opening Statements and Closing Arguments

The parties are permitted to make an opening statement and closing argument.

Rule 10. Format of Hearing

The hearing will proceed as follows:

- 1) Any preliminary matters that must be addressed prior to the Board of Adjustments hearing the evidence;
- 2) Opening Statements;
- 3) Witnesses for the Appellant;
- 4) Witnesses for the Appellee;
- 5) Rebuttal Evidence by the Appellant;
- 6) Closing Arguments;
- 7) Ruling by the Board.



IV. Ruling by the Board

Rule 11. Decision by Board

Following the hearing of evidence, the Board of Adjustments will vote and each member shall state the reasons for the member's vote. The Board of Adjustments shall affirm, modify, or reverse the decision of the code official only by a majority vote of the members of the Board present.

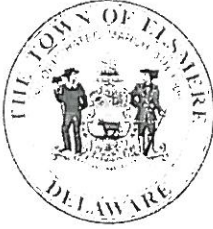
Rule 12. Adjournment of Hearing to Consider Evidence

The Board of Adjustment may adjourn the hearing for up to ten days to consider the evidence before making a decision.

Adopted by the Board of Adjustments at their January 29, 2008 public meeting.

James Personti, Secretary

Paul Chalfant, Chairman



The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

Phone (302) 998-2215 Fax (302) 998-9920

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12-31-14

Witness List

Mayor

Deborah A. Norkavage

1st District Councilman

John Jaremchuk Jr.

2nd District Councilman

Steven Burg

3rd District Councilman

Robert Kacperski

4th District Councilman

Charles McKewen

5th District Councilwoman
Secretary of Council

Joann I. Personti

6th District Councilman

Richard Moore

Town Treasurer

Paul Chalfant

City Solicitor

Edward McNally

The following is a potential list of witnesses that may be called to testify during your appeal hearing.

1. Code Officer Dan Reed

2. Code Officer Brian Swift

3. Town Manager John Giles

4. _____

5. _____

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10/9/12

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A Council – Manager Municipality
Located on the Net at townofelsmere.com